



General Assembly

January Session, 2007

***Amendment***

LCO No. 8544

**\*SB0016708544SR0\***

Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.  
SEN. DELUCA, 32<sup>nd</sup> Dist.  
SEN. MCKINNEY, 28<sup>th</sup> Dist.  
SEN. CALIGIURI, 16<sup>th</sup> Dist.  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.  
SEN. DEBICELLA, 21<sup>st</sup> Dist.

SEN. FREEDMAN, 26<sup>th</sup> Dist.  
SEN. GUGLIELMO, 35<sup>th</sup> Dist.  
SEN. HERLIHY, 8<sup>th</sup> Dist.  
SEN. KISSEL, 7<sup>th</sup> Dist.  
SEN. NICKERSON, 36<sup>th</sup> Dist.  
SEN. RORABACK, 30<sup>th</sup> Dist.

To: Subst. Senate Bill No. 167

File No. 560

Cal. No. 449

(As Amended)

***"AN ACT REVISING THE PROCESS FOR THE TAKING OF REAL  
PROPERTY BY MUNICIPALITIES FOR REDEVELOPMENT AND  
ECONOMIC DEVELOPMENT."***

1 Strike subdivision (4) of subsection (b) of section 1 in its entirety and  
2 substitute the following in lieu thereof:

3 "(4) The owner-occupant of property acquired by eminent domain  
4 under this section may file an application in the superior court for the  
5 judicial district in which the municipality is located to enjoin the  
6 acquisition of such property. In such action the burden of proof shall  
7 be on the municipality to prove, by clear and convincing evidence and  
8 based upon the evidence in the record, that the development agency or  
9 municipality complied with the requirements of this chapter. The court

10 may issue such injunction if the court finds that the development  
11 agency or municipality failed to comply with the requirements of this  
12 chapter. The filing of an application to enjoin the acquisition of  
13 property by eminent domain, in a court of competent jurisdiction, shall  
14 toll the five-year period or ten-year period set forth in subparagraph  
15 (C) of subdivision (3) of this subsection with respect to such property  
16 until the date a final judgment is entered in any such action, or any  
17 appeal thereof, whichever date is later."

18 Strike subdivision (4) of subsection (a) of section 2 in its entirety and  
19 substitute the following in lieu thereof:

20 "(4) The owner-occupant of property acquired by eminent domain  
21 under this section may file an application in the superior court for the  
22 judicial district in which the municipality is located to enjoin the  
23 acquisition of such property. In such action the burden of proof shall  
24 be on the municipality to prove, by clear and convincing evidence and  
25 based upon the evidence in the record, that the redevelopment agency  
26 or municipality complied with the requirements of this chapter. The  
27 court may issue such injunction if the court finds that the  
28 redevelopment agency failed to comply with the requirements of this  
29 chapter. The filing of an application to enjoin the acquisition of  
30 property by eminent domain, in a court of competent jurisdiction, shall  
31 toll the five-year period or ten-year period set forth in subparagraph  
32 (C) of subdivision (3) of this subsection with respect to such property  
33 until the date a final judgment is entered in any such action, or any  
34 appeal thereof, whichever date is later."

35 Strike subdivision (4) of subsection (i) of section 3 in its entirety and  
36 substitute the following in lieu thereof:

37 "(4) The owner-occupant of property acquired by condemnation  
38 under this section may file an application in the superior court for the  
39 judicial district in which the municipality is located to enjoin the  
40 acquisition of such property. In such action the burden of proof shall  
41 be on the municipality to prove, by clear and convincing evidence and

42 based upon the evidence in the record, that the implementing agency  
43 or municipality complied with the requirements of this section. The  
44 court may issue such injunction if the court finds that the  
45 implementing agency or municipality failed to comply with the  
46 requirements of this section. The filing of an application to enjoin the  
47 acquisition of property by condemnation, in a court of competent  
48 jurisdiction, shall toll the five-year period or ten-year period set forth  
49 in subparagraph (C) of subdivision (3) of this subsection with respect  
50 to such property until the date a final judgment is entered in any such  
51 action, or any appeal thereof, whichever date is later."